



The Story of

# I. N. A.

by

KUSUM NAIR

Re. 1|8



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## I. N. A. NATIONAL ANTHEM

Subh sukh chain ki barkha barse Bharat bhag hai jaga,  
Panjab Sind Gujerat Maratha Dravid Utkal Banga  
Chanchal Sagar Bindh Himala neela Jamuna Ganga,  
Tere nit gun gae,  
Tujse jeevan pae,  
Sab tan pae asha;  
Suraj ban kar jag par chamke nam Subhaga  
Jai-ya ho, Jai-ya ho, Jai-ho,  
Jai-ya Jai-ya Jai-ya ho!  
Sab ke dil men prit basae teri nithi bari,  
Har subhe ke rahne wale har mazhab ke prani,  
Sab bhede-o-farak mita ke,  
Sab god-men teri ake,  
Goonthen prem ki mala;  
Suraj ban kar jag par chamke Bharat Nam Subhaga,  
Jai-ya Jai-ya Jai-ya ho!  
Subha savere pankh pankheru tere hi gun gaen,  
Bas bhari bharpoor hawaen jeevan men rut laen,  
Sab mil kar Hind Pukare  
Jai Azad Hind ke nare,  
Piara desh hamara.  
Suraj ban kar jag par chamke Bharat Nam Subhaga,  
Jai-ya ho, Jai-ya ho, Jai-ho,  
Jai-ya Jai-ya Jai-ya ho!

## INTRODUCTION

In this moving little book, Kusum Nair unfolds before us, the story of the Indian National Army—a thrilling story, simply and effectively told. Reading the book, one feels like looking at a documentary film.

What a magic word the INA has become in India's political parlance today! As we think of its brave and battered soldiers, of its stirring battle-cry DELHI CHALO (Onward To Delhi), of the Rani of Jhansi Regiment, of the Court Martial, of its officers, ghosts of history seem to be flitting once again, before our fascinated eyes.

Eighty-eight years ago, the same historic Red Fort witnessed another remarkable trial. The accused was no less a person than the Emperor of Hindustan. A British Court Martial, similar to the one now trying the INA officers sat in judgment. The charges were similar, the Prosecuting Counsel spoke in a similar vein. It is difficult to resist the temptation of quoting a particularly appropriate passage from the closing address of the Military Prosecutor. Demanding a verdict of guilty against Bahadur Shah, he asked the Court Martial:

"To determine whether the prisoner at your bar, in retirement and seclusion, may yet claim the respect due to deposed majesty, or whether he must henceforward rank merely as one of the great war criminals of history. It will be for you to pronounce, whether this last King of the Imperial House of Taimur shall this day depart from his ancestral palace, bent down by age and by misfortune, but elevated perhaps, by the dignity of his suffering and the long-borne calamities of his race, or, whether this magnificent Hall of Audience, this shrine of the higher majesty of justice, shall this day achieve its crowning triumph in a verdict, which shall record for all ages, that Kings by crime are degraded to felons and that the long glories of

a dynasty may be for ever effaced in a day." Even the military prosecutor was, however, forced to admit that the upheaval of 1857 "might have been a struggle for power, for capture of power by the natives, by the expulsion from the country of a people, alien in religion, in blood, in colour, in habits, in feelings and in everything."

Bahadur Shah was charged with treason and waging war against the King and also for abetting the murder of 49 Britons, who were alleged to have been done to death in the Red Fort, under his orders.

The verdict was: "The court on the evidence before them are of opinion that the prisoner, the ex-King of Delhi, is guilty of all and every part of the charges preferred against him."

This was in March 1858. On November 5, 1945 opened the first of the INA Trials. The Chief Defence Counsel, Mr. Bhulabhai Desai put up a magnificent and stirring defence. The Court Martial sentenced the officers to transportation for life. Was History repeating itself? It seemed so, when Sir Claud Auchinleck, the British Commander-in-Chief in India, with a statesmanship all the more striking, because so rare in the annals of British rule in India, remitted the sentence and set them free. For once the country has cause to rejoice in this dramatic anti-climax.

Kusum Nair, the talented Editor of the National Press Syndicate and co-author with Asoka Mehta of *The Simla Triangle* (1945) has rendered a real service to a reading-hungry public by this very timely and interesting publication.

YUSUF MEHERALLY.

Bombay, 4th January, 1946.

To fight for freedom is a slave's privilege. Forces of the Azad Hind Fauj were fortunate to exercise this privilege and even taste of freedom though for a desperately short time and under particularly difficult conditions.

For the first time since we lost our land to the British we had in the Hukumet-e-Azad Hind an independent Indian Government with an Azad Hind Fauj and a territory. It is all gone now but the experience was unique and memories of it will linger as long as India lives. Even after we are free, the story of the I.N.A. will become a legend to inspire every future Indian not simply to acts of heroism but to that uncompromising attitude as regards his right to freedom which alone can win and preserve a people's independence against all odds.

K. N.



## Since 1757

"After their first defeat at the hands of the British in 1757 in Bengal, the Indian people fought an uninterrupted series of hard and bitter battles over a stretch of one hundred years. The history of this period teems with examples of unparalleled heroism and self-sacrifice. And in the pages of that history, the names of Siraj-ud-Doula and Mohanlal of Bengal, Haider Ali, Tippu Sultan and Velu Thampi of South India, Appa Sahib Bhonsle and Peshwa Baji Rao of Maharashtra, the Begums of Oudh, Sardar Shyam Singh Atariwala of Punjab, and last but not the least, Rani Laxmibai of Jhansi, Tatia Topi, Maharaj Kunwar Singh of Dumraon and Nana Sahib are for ever engraved in letters of gold.

"Unfortunately for us, our forefathers did not at first realise that the British constituted grave threat to the whole of India, and they did not therefore put up a united Front against the enemy. Ultimately, when the Indian people were roused to the reality of the situation, they made a concerted move and under the flag of Bahadur Shah in 1857, they fought their last war as free men. In spite of a series of brilliant victories in the early stages of this war, ill-luck and faulty leadership gradually brought about their final collapse and subjugation. Nevertheless, such heroes as the Rani of Jhansi, Tatia Topi, Kunwar Singh and Nana Sahib live like eternal stars in the nation's memory to inspire us to greater deeds of sacrifice and valour.

"Forcibly disarmed by the British after 1857 and subjected to terror and brutality, the Indian people lay prostrate for a while—but with the birth of the Indian National Congress in 1885, there came a new awakening. From 1885 till the end of the last World War, the Indian people, in their endeavour to recover their lost liberty, tried all possible methods—namely agitation and propaganda, boycott of British goods, terrorism and sabotage—and finally arm-

ed revolution. But all these efforts failed for a time. Ultimately, in 1920, when the Indian people, haunted by a sense of failure were groping for a new method, Mahatma Gandhi came forward with a new weapon of non-co-operation and civil disobedience.

"For two decades thereafter, the Indian people went through a phase of intense patriotic activity. The message of freedom was carried to every Indian home. Through personal example, people were taught to suffer, to sacrifice and to die in the cause of freedom. From the centre to the remotest villages, the people were knit together into one political organisation. Thus, the Indian people not only recovered their political consciousness, but became a political entity once again. They could now speak with one voice and strive with one will for one common goal. From 1937 to 1939, through the work of the Congress Ministries in eight provinces, they gave proof of their readiness and capacity to administer their own affairs. Thus on the eve of the present World War, the stage was set for the final struggle for India's liberation....

"For the first time in recent history, Indians abroad have also been politically roused and united in one organisation....In East Asia, in particular, over two million Indians are now organised as one solid phalanx, inspired by the slogan of Total Mobilisation. And in front of them stand the serried ranks of India's Army of Liberation, with the slogan "Onward to Delhi," on their lips.

"Having goaded Indians to desperation by its hypocrisy and having driven them to starvation and death by plunder and loot, British rule in India has forfeited the good-will of the Indian people altogether and is now living a precarious existence. It needs but a flame to destroy the last vestige of that un-happy rule. To light that flame is the task of India's Army of Liberation....

"Now that the dawn of Freedom is at hand, it is the duty of the Indian people to set up a Provisional Government of their own, and launch the last struggle under the aegis of that Government. But with all the Indian Leaders in prison, the people at home totally disarmed—it is not possible to set up a Provisional Government within

India or to launch an armed struggle under the aegis of that Government. It is, therefore, the duty of the Indian Independence League in East Asia, supported by all patriotic Indians at home and abroad, to undertake this task—the task of setting up a Provisional Government of Azad Hind and of conducting the last fight for freedom, with the help of the Army of Liberation i.e., the Azad Hind Fauj organised by the League.

"Having been constituted as the Provisional Government of Azad Hind by the Indian Independence League in East Asia, we enter upon our duties with a full sense of responsibility that has devolved on us. We pray that Providence may bless our work and our struggle for the emancipation of our Motherland. And we hereby pledge our lives and the lives of our comrades-in-arms to the cause of her freedom, of her welfare and her exaltation among the nations of the world.

"It will be the task of the Provisional Government to launch and to conduct the struggle that will bring about the establishment of a permanent National Government of Azad Hind constituted in accordance with the will of the Indian people and enjoying their confidence....

"The Provisional Government is entitled to, and hereby claims the allegiance of every Indian. It guarantees religious liberty, as well as equal rights and equal opportunities to all its citizens. It declares its firm resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally and transcending all the differences cunningly fostered by the alien Government in the past.

"In the name of GOD, in the name of by-gone Generations who have welded the Indian people into one nation, and in the name of the Dead Heroes who have bequeathed to us a tradition of heroism and self-sacrifice—we call upon the Indian people to rally round our banner and to strike for India's freedom. We call upon them to launch the final struggle against the British and their allies in India and to prosecute that struggle with valour and perseverance and with full faith in final victory—until the enemy is expelled from Indian soil and the Indian

people are once again a Free Nation."—Proclamation signed on behalf of the Provisional Government of Azad Hind by:

Subhas Chandra Bose, Head of the State, Prime Minister and Minister for War, Minister for Foreign Affairs, Supreme Commander of the Indian National Army.

Capt. Mrs. Lakshmi, Women's Organisation.

S. A. Aiyar, Publicity and Propaganda.

Lieut-Col. A. C. Chatteji, Finance.

Lieut.-Col. Aziz Ahmed, Lt.-Col. N. S. Bhagat, Lt.-Col. J. K. Bhonsle, Lt.-Col. Gulzara Singh, Lt.-Col. M. Z. Kiyani, Lt.-Col. A. D. Lokanadan, Lt.-Col. Eshan Qadir, Lt.-Col. Shah Nawaz—representatives of the Armed Forces.

A. N. Sahay, Secretary (with ministerial rank).

Rash Behari Bose, Supreme Adviser.

Karim Gani, Debnath Das, D. M. Khan, A. Yellapa, J. Thiry, Sirdar Ishar Singh—Advisers.

A. N. Sarkar, Legal Adviser.

—October 21st 1942.

The story of the I.N.A., however, goes back to many years before the War with Japan started on December 7, 1941.

While Indians in India were struggling for political Independence, Indians in the Far-Eastern countries in particular, were also organising and doing vigorous propaganda for her cause of freedom. In Japan Rash Behari Bose, a veteran revolutionary and exile from India started the Indian Independence League which Anand Mohan Sahay later converted into the Indian National Congress of Japan. A branch of the same organisation was opened by Swami Satyanand Puri in Bangkok in 1936 while in China was formed the Indian National Association.

In 1937 an effort was made to co-ordinate the efforts of these various groups at a conference which met at Tokyo under the presidentship of Rash Behari Bose. This Conference decided that intensive propaganda should be done in Siam, Malaya, and Burma and that Indians should organise themselves in case war came. The result was

that when the war did come there was already a strong patriotic and naturally anti-British feeling, to a certain extent organised, amongst the Indian residents of the South and East Asia countries. Britain of course helped considerably in intensifying this feeling by her blatant anti-Indian policy.

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## II

### The Indian Independence League

On the 7th December, 1941, Japan attacked Pearl Harbour.

On 8th December, 1941, Japan attempted to invade Malaya and Hongkong. Thailand, after 5½ hours' resistance permitted passage of Japanese troops.

On 9th December 1941, Japanese landed in Malaya.

On 14th December, 1941, Japanese crossed into Burma from Thailand.

On 31st January, 1942, Battle of Malaya ended and battle of Singapore began.

On 15th February, 1942, Singapore fell.

15,000 British, 13,000 Australians and 32,000 Indian troops surrendered.

On the 16th orders were given that the British Officers would be separated from the Indian ranks and the Indian Officers as well as the Indian ranks would march to Ferrar Park on the 17th morning. On the 17th, Indian prisoners of war duly collected in front of the Ferrar Park stadium. Col. Hunt, a British Officer addressing them said:

"The British and Indian forces in Singapore have surrendered to the Japanese Imperial Army and we are all prisoners. I, on behalf of the Crown, am handing over you all to Major Fujiwara, the Japanese representative. From now on you belong to the Japanese Army and you will obey their orders as you have been obeying our orders."

After finishing his speech Col. Hunt handed a few papers to Major Fujiwara who addressing them explained the attitude of the Japanese towards India and said "We do not consider yourselves to be prisoners of war. As far

as we are concerned you are free and as such I hand you over to Capt. Mohan Singh. You will obey his orders as if you were in our charge."

Next Capt. Mohan Singh addressed the gathering and said:

"In the Malayan campaign the Indian Army has not been given the chance to fight because the campaign was so short. Moreover there were no supporting tanks and aeroplanes to help the infantry. As a matter of fact, the Indian Army has been let down....Now is the time for the Indians to fight for their independence. So far India has been lacking an armed force of her own, but here is a chance of raising an armed force to fight for India's liberation."

The crowd was 45 to 50 thousand strong and consisted of many units of the Indian Army.

The idea of organising the Indians both for self-defence and to fight for India's independence received encouraging but cautious support. A Conference met in Tokyo from the 28th to 30th March and it was while proceeding to this Conference that Giani Pritam Singh, Swami Satyanand Puri, Capt. Mohammed Akram and K. A. N. Iyer crashed and died. Delegates to the Conference came from Hongkong, Shanghai and Japan, Malaya sending only a Good Will Mission. Rash Behari Bose presided.

The Conference decided to start the Indian Independence movement amongst Indians in East Asia "To secure independence complete and free from foreign domination, interference or control of whatever nature."

It was also decided to raise an Azad Hind Fauj and resolved

"That military action against India will be taken only by the Indian National Army and under the command of Indians."

Finally it was decided to convene a more representative conference at Bangkok in June and there inaugurate the Indian Independence League and elect its Council of Action.

The Bangkok Conference met from the 15th to the 23rd of June, 1942, under the presidentship of Rash Behari

Bose. Over one hundred representatives attended—from Thailand, Burma, Malaya (including Singapore), Indo-China, Java, Sumatra, the Philippines, Shanghai, Hong-kong and Japan. The Indian population in East Asia was at that time roughly between two and a half and three million.

The important RESOLUTIONS passed by the Conference were as follows:

1. "Resolved that a movement for achieving complete and immediate Independence of India be sponsored by this Conference.

2. "This Conference endorses the view of the Tokyo Conference held in March 1942 that the complete Independence of India free from any foreign control, domination or interferences of whatever nature shall be the object of this movement and is emphatically of opinion that the time has arrived to take necessary steps for the attainment of that object.

3. "Resolved that the Indian Independence movement sponsored by this Conference shall be guided by the principles indicated below:

- (a) that UNITY, FAITH, SACRIFICE, shall be the motto of the Indian Independence Movement.
- (b) That India be considered as one and indivisible.
- (c) That all activities of this movement be on a national basis and not on sectional, communal or religious basis.
- (d) That in view of the fact that the Indian National Congress is the only political organisation which could claim to represent the real interests of India and as such be acknowledged the only body representing India, this conference is of opinion that the programme and plan of this movement must be so guided, controlled and directed as to bring them in line with the aims and intentions of the Indian National Congress.
- (e) That the framing of the future constitution of India be only by representatives of the people of India.....

4. "Resolved that an organisation be started for carrying on the Indian Independence Movement and it shall be known as the Indian Independence League.....

5. "Resolved that the Indian Independence League shall immediately proceed to raise an army, called the Indian National Army from among the Indian Soldiers (combatants and non-combatants) and such civilians as may hereafter be recruited for military service in the cause for India's Independence....

6. "The Indian Independence League shall consist of:

- (a) Council of Action.
- (b) A Committee of Representatives,
- (c) Territorial Committees, and
- (d) Local Branches....

7. "A Council of Action consisting of a President and four members, of whom at least one half shall be from Indian National Army in East Asia, shall be appointed by the Delegates to this Conference. The first President shall be Sjt. Rash Behari Bose and four members, shall be:

- 1. Sri N. Raghavan,
- 2. Capt. Mohan Singh,
- 3. Sri K. P. K. Menon,
- 4. Col. C. Q. Gilani.

8. "The Council of Action shall be responsible for the carrying out of the policy and programme of work laid down by this Conference and as may hereafter be laid down by the Committee of Representatives and shall deal with all new matters that may arise from time to time and which may not be provided for by the Committee itself.

9. "Resolved that a request be made to the Nippon Government that it may be pleased to place immediately all Indian soldiers in Territories in East Asia under their control at the disposal of this movement....

10. "Resolved that the formation, command, control and organisation of the Indian National Army be in the hands of Indians themselves....

11. "Resolved that it is the earnest desire of this Conference that the Indian National Army from its inception be accorded the powers and status of a free National Army

of an Independent India on a footing of equality with the armies of Japan and other friendly powers.

12. "Resolved that the Indian National Army be made use of only:

(a) For operation only against the British or other foreign powers in India.

(b) For the purpose of securing and safeguarding Indian National Independence; and

For such other purpose as may assist the achievement of the object, viz., the Independence of India.

13. "Resolved that all Officers and men of the proposed Indian National Army shall be members of the Indian Independence League and shall owe allegiance to the League.

14. "Resolved that the Indian National Army shall be under the direct control of the Council of Action and that the said Army shall be organised and commanded by the General Officer Commanding, Indian National Army, in accordance with the directions of the Council of Action.

15. "Resolved that before taking Military Action against the British or any other foreign power in India the Council of Action will assure itself that such action is in conformity with the expressed or implied wishes of the Indian National Congress....

16. "That all foreign assistance of whatever nature shall be only to the extent and of the type asked for by the Council of Action.....

17. "Resolved that for the purposes of financing the Independence Movement the Council of Action be authorised to raise funds from Indians in East Asia....

18. "This Conference having learned with regret that Indians in certain countries under the occupation of Imperial Forces of Japan are being treated as enemy aliens and suffer hardship and loss in consequence, resolves that the Imperial Government of Japan may be pleased to make a declaration to the effect....

(i) That Indians residing in the territories occupied by the Imperial Forces of Japan, shall not be considered enemy nationals so long as they do not indulge

in any action injurious to this movement or hostile to the interest of Japan; and

(ii) That the properties both movable and immovable of these Indians who are now residing in India or elsewhere (including the properties of Indian Companies, firms or partnerships) be not treated by Japan as enemy properties so long as the management or control of such properties is vested in any person or persons residing in Japan or in any of the countries occupied by or under the control or influence of the Imperial Government Japanese forces; and to instruct the authorities concerned in the respective territories to give effect to this policy as early as possible.

19. "Resolved that this movement adopts the present National Flag of India and requests the Imperial Government of Japan and the Royal Government of Thailand and the Governments of all other friendly powers to recognise the said flag in all territories under their jurisdiction.

20. "This Conference requests Sjt. Subash Chandra Bose to be kind enough to come to East Asia and appeals to the Imperial Government of Japan to use its good offices to obtain the necessary permission and conveniences from the Government of Germany to enable Sjt. Subhas Chandra Bose to reach East Asia safely."

So the Indian Independence League was officially inaugurated. Its headquarters were first in Bangkok but shifted to Singapore in April 1943. By then it had a regular membership of about three quarters of a million men in all the South Asiatic countries.

The Indian National Army was formed on September 1, 1942. Capt. Mohan Singh was appointed G.O.C. Recruitment was done from the Indian soldiers who had surrendered in Malaya and from other Indian civilians. A large body of nearly 7,000 well disciplined troops was raised, the training and fighting being done with British Arms. The Army was governed by the Indian National Army Act which was specially prepared in August 1942.

### Netaji Arrives

The Indian Independence Movement was launched but the relations between the Council of Action and the Japanese High Command became more and more strained. On 29th November 1942 the following letter was addressed to Col. H. Iwakuro, Chief of the Iwakuro Kikan for favour of transmission to the Imperial Government of Japan, which had not yet ratified the Bangkok resolutions:

“....We have, therefore, after very careful consideration come to the conclusion that it will be advantageous and in the interests of our Movement to request the Imperial Government of Japan to favour us with a reply at the earliest possible opportunity, clarifying the position on the following points:

“(1) A copy of the Bangkok Resolution has been forwarded to the Imperial Government so long ago as the 22nd July 2602 (1942). Though we have been working on the basis that such resolutions would be accepted by the Imperial Government we are not yet in a position to know exactly where we stand with regard to these resolutions....It is, therefore, of urgent importance to us to request the Imperial Government to be good enough to inform us formally and at the earliest possible opportunity regarding the acceptance of the Bangkok Resolutions and if there are any resolutions to which the Imperial Government cannot give their support, we shall be glad if they kindly define their attitude towards the same.

“(2) Recognition of the Council of Action as the Supreme Executive of the Indian Independence movement in East Asia and the acceptance of their status as such is absolutely necessary in order that the Council of Action may function efficiently.

“(3) The Imperial Government must no doubt be aware of the propaganda that is being carried on by the British Government in India regarding the intentions of Japan....we would respectfully suggest that a full, formal and solemn declaration binding on the

The Japanese managed to get information of the memoranda before it reached the President and they brought pressure on Rash Behari Bose to insist on the resignation of his office by the President of the Malaya Branch—N. Raghavan. The latter resigned. The other members of the Malaya Branch, however, felt that their resignation was exactly what the Japanese wanted, so that they could put in their own men—Indians who would be amenable to Japanese desires—in key positions. This would have naturally created an Indian Organisation which would have been a puppet body, managed by the Japanese. To prevent that the other Indian members of the Malaya Branch refrained from resigning.

In April 1943, another Conference met at Singapore, delegates coming from all East Asia territories. The constitution of the Indian Independence League as passed at the Conference at Bangkok was in certain respects altered and amended. The entire Independence movement was henceforward placed on a war-footing. It was announced here that Subhas Chandra Bose hoped to be with them in two months' time.

Netaji Subhas Chandra Bose arrived in Singapore on July 2, 1943. On July 4 a Conference of delegates from all countries in East Asia assembled to meet him. At that conference Rash Behari Bose formally handed over presidentship of the Indian Independence League to Subhas Bose.

In his address the new President announced that he intended to establish a Provisional Government of Free India, as early as possible.

On October 21, 1943, Subhas Bose announced the establishment of the Provisional Government of AZAD HIND and then took the Oath of Allegiance to INDIA:

"In the name of God, I take this sacred oath that to liberate India and the thirty-eight crores of my countrymen, I—Subash Chandra Bose—will continue this sacred war of freedom till the last breath of my life. I shall always remain a servant of India and look after the welfare of thirty-eight crores of Indian

brothers and sisters. This shall be for me my highest duty.

"Even after winning freedom, I will always be prepared to shed the last drop of my blood for the preservation of India's freedom."

Thereafter other members of the Provisional Government took the oath of Allegiance to India and to Netaji.

The entire proceedings were punctuated with outbursts of cheering and shouts of "Subhas Bose Ki Jai" "Azad Hukmat ki Jai" and "Azad Hind ki Jai."

At five minutes past midnight, on 24th October 1943, the Provisional Government of AZAD HINDUSTAN declared war on Britain and the United States of America. "This declaration of War," promised Netaji, "is not a propaganda stunt. We shall prove by our actions that we mean what we say....When the Azad Hind Fauj launches its fight it will do so under the leadership of its own Government....India's liberation shall be achieved by Indian effort and sacrifices of her own Fauj."

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#### IV

#### "Chalo Dilli"

The Azad Hind Fauj began preparation in dead earnest. Training of personnel was speeded up. The composition of the Fauj at this time was (i) Headquarters, (ii) Hindustan Field Group, (iii) 'Sherdil' Guerilla Group, (iv) Special Service Group, (v) Intelligence Group, (vi) Reinforcement Group.

The I/HIND Field Group consisted of the Headquarters I, II and III Infantry battalions, I.A.F.V. Battalion, I Heavy Gun Battalion, No. I Engineering Coy., No. I Signal Coy., No. I Medical Coy. The Sherdil Guerilla Group consisted of the Gandhi Guerilla Regiment, Azad Guerilla Regiment and Nehru Guerilla Regiment.

In or about November 1943, another Guerilla Regiment was formed which was officially known as No. I Guerilla Regiment. It was also known as Bose or Subhas Regiment.

Shah Nawaz was appointed its commander. The other three regiments were numbered 2 (Gandhi), 3 (Azad) and 4 (Nehru). They were all incorporated in No. I Division.

Later on the No. 2 and No. 3 Divisions were formed. No. 2 Division was composed partly of Indian Military prisoners of war and partly of civilians. No. 3 Division was almost entirely composed of civilians, mostly recruited by the Indian Independence League in Malaya.

The forces of the I.N.A. were distributed as follows:

One Division on the Assam Front.

One „ in Rangoon.

One „ in Malaya.

Two Divisions under Training.

On the 4th of February, 1944, the Azad Hind Fauj went into action for the first time. Shah Nawaz, addressing his men on the eve of battle said:

"The Brigade is the first to go to the front. It is composed of picked officers and men. When we go to war there will be many hardships and even death. If anyone is afraid of the hardships and death he can drop out now. We have to fight a war of freedom and in this fight we don't want cowards. We want courageous men...."

He continued "If and when India is made free and the Japanese who are now helping us try to subdue us, we shall fight them. Even now, if a Japanese gives you one slap, you give him three, because our Government is a parallel one to the Japanese Government and we are in no way subservient to the Japanese...."

The fight for India's Independence had begun.

Due to lack of details it is impossible to give a complete story of the I.N.A. engagements. The first Division which fought in Arakan and Imphal consisted of Gandhi Regiment—commanded by Inayat Kiani—2,800 men; Azad Regiment—commanded by Zulmara Singh—2,800 men, Nehru Regiment—commanded by Gurubaksh Singh Dhillon—3,000 men and Subhas Regiment—commanded by Shah Nawaz—3,200 men.

The Bose and Gandhi Regiments were the first to go into action in the Pallel-Tamu area.

The I.N.A. fought extremely well in spite of serious handicaps and lack of armament and air support. They had no planes. Each commander had a car, but there were no lorries for transport. The soldiers themselves had to carry munitions and supplies.

Pallel and Tamu fell. Tiddim was captured on March 18th. Soldiers of the Azad Hind Fauj crossed the Indo-Burma Frontier and the National Flag was planted on the Indian Soil.

The Indo-Nippon armies next closed on the Imphal plain. Kohima, on the road to Dinapur was cut off and partly occupied. Imphal was isolated when Bishenpur was captured. It almost looked as if Bose's dream to free India might come true, but it just didn't.

The British rushed reinforcements by air. Kohima was retaken and the siege of Imphal lifted. In the meantime the monsoons burst and washed the liberation armies back into Burma. It was the beginning of the end.

A word may here be said about the role the Japanese Army played. When Shah Nawaz had called on General Motoguchi, the Japanese G.O.C.-in-C, in North Burma on 12th February 1944, the General had been very kind and had promised full aid to the I.N.A.

On March 30th, however, we find Shah Nawaz writing in his Diary that the Japanese were using crack I.N.A. regiments as labourers.

The Japanese Air Force gave little or no assistance. The supplies of rations were extremely irregular and several I.N.A. men died of starvation. On July 17th again writes Shah Nawaz "I do not know what is the idea behind this deliberate starvation of my men."

Obviously, for some reason or other the Japanese had no heart in the campaign and when the retreat began we find Shah Nawaz noting "Japanese have left us completely in the lurch. They are running away themselves and are not bothering about us."

Japanese assistance was indeed valuable but this uncalled for attitude at the most critical hour proved fatal.

The defeat of the I.N.A. was in no small measure due to being thus let down.

Meanwhile the retreat having begun, the Azad Hind Fauj fell back to Tiddim and then to Timmu. On August 21, 1944, Subhas Chandra Bose ordered the suspension of operations owing to the monsoons. Summing up the situation in an Order of the Day, Netaji stated that in the middle of March 1944 advanced units of the Azad Hind Fauj with Imperial Nippon Forces crossed the Indo-Burman border and "the fight for India's liberation therefore, commenced on Indian soil."

"The British authorities," the order continued, "had managed to put up a mighty force against us.... Fighting under the most trying conditions our officers and men displayed great courage and won the praise of everybody. All preparations had been completed and the stage had been set for the final assault on Imphal, when torrential rains overtook us and to carry Imphal by our assault was rendered a tactical impossibility.

"Handicapped by the elements we were forced to postpone our offensive. After the postponement of the offensive it was found disadvantageous for our troops to continue to hold the line we then had. For securing a more favourable defensive position, it was considered advisable to withdraw our troops.... As soon as all our preparations are complete, we shall launch a mighty offensive against our enemies once again...."

Matters were, however, coming to a climax. Immediately the monsoon was over the Fourteenth Army had taken the offensive in Burma. The I.N.A. had to be on the defensive and had suffered heavy casualties during retreat. But all was not yet lost and reinforcements were sent up to stem the advance of the British troops. Netaji speaking to the men of the 2nd Infantry Regiment said: "Our enemies have decided that they will fight their first battle for the defence of India in Assam and they have made this area India's Stalingrad. This year will be the decisive year of war. The fate of India's freedom will be decided near the Hills of Imphal and the plains of Chittagong.

"I do not wish to paint a very rosy picture to you. You will have to face death when you go to the front. Because the enemy has made the utmost preparations, we too shall have to mobilise all our resources.

"In addition to the present slogan of the I.N.A. i.e., CHALO DELHI—another slogan will be added from today, and that will be "BLOOD, BLOOD, AND MORE BLOOD." This means that we shall shed our blood for the freedom of 40 crores of people in India. Similarly we shall shed the blood of the enemy for the same cause. The slogan for Indian civilians who are in the south will be "NICHHA-WAR SUB KARO—BANO SUB FAKIR" (Sacrifice everything, give your all).

This regiment was under the command of Lt.-Col. Sehgal and it assembled at Popa in the third week of March, 1945. The second division under the command of Col. Shah Nawaz was already there, Popa being the headquarters. A third Unit—the Nehru Regiment, under Lt.-Col. Dhillon was operating in the vicinity of Mandalay.

The British advance was stemmed for some time but the I.N.A. could not continue to fight on morale alone. The Burma National Army had gone over to the enemy. The Japanese were fast disappearing from the scene of battle. But the I.N.A. continued to fight even when it was obvious that all was lost. Examples of individual bravery were innumerable but one can scarcely refrain from reproducing the account of the "Charge of the Immortals" as was submitted by Major Dhillon to Netaji Subhas Chandra Bose.

"It was a flat stretch of land without any cover either from view or from fire, except a shallow dry pond near which roads of great tactical importance met. Four miles north west of this point was a hill 1423 feet high behind which the enemy Artillery was located so as to cover the road junction and the area south of it, the occupation of which would affect the entire plan of operations.

"At a key point on this line was placed a Company of Azad Hind Fouj under the Command of 2/Lt. Gian Singh, trained at the Officers Training School, Azad Hind Fouj.

"The Company was only 98 strong. They had no machine guns or even light machine guns. Good old rifles were their only weapons of defence or offence apart from two A/TK mines. Their orders were to check any enemy advance at all cost.

"They remained in that position for two days, but the enemy did not advance. Then on the 16th of March, 1945, starting from early morning, hostile fighting planes bombed and machine-gunned their positions until about 11 a.m. Having got rid of all the load they had, aeroplanes went away. Then the enemy guns from behind the hill started registering.

"Behind this barrage of artillery fire, advanced a column of Motorised Infantry consisting of 13 tanks, 11 armoured cars and 10 tracks. Half of this column made its way straight towards the pond where two forward platoons of the Company were in position. Lead and explosives were being thrown out of the armoured fighting vehicles but this would not frighten our boys. They waited in their trenches for the infantry.

"Tanks and armoured cars like steel monsters creating hell with their firepower approached so close that they started charging on to our trenches so as to crush and cripple our men under their heavy weight. Two mines were thrown in their way which unluckily did not burst, but they caused the monsters to stop, which having stopped became stationary pill boxes.

"There was no communication between this post and the battalion headquarters. When 2/Lt. Gian Singh appreciated that their rifle fire was no match to the enemy's mortars, machine guns, light automatics and hand grenades and their staying in trenches meant certain death or captivity with no loss to the enemy, he ordered "CHARGE."

"Leading the assault he shouted slogans of "Netaji-ki-Jai" "Inquilab Zindabad", "Azad Hindustan Zindabad", and "Chalo Dilli." All the men responded to slogans which echoed above the enemy fire. This was the only support which these heroes had against the superior armament

of the enemy. In the name of India and India's Independence they charged into the enemy trucks.

"The enemy immediately debussed; hand-to-hand fighting ensued which lasted for full two hours, but our heroes would not give in. 40 of them sacrificed their lives after killing more than their equal number of the enemy. Their unconquerable spirit harassed the enemy so much that they started retreating.

"Just then 2/Lt. Gian Singh called forward his 3rd Platoon Commander 2/Lt. Ram Singh and was giving orders when a bullet struck on his head and he fell down never to give orders again. 2/Lt. Ram Singh then collected the remnants of the Company and reorganised.

"2/Lt. Gian Singh Bisht used to tell his men that he would die with them. He fulfilled his promise and remained their comrade in life and death. This was a glorious deed of which history will remain witness as long as there is world. 2/Lt. Gian Singh and his men lived up the ideals of our great leader the Netaji—and have laid down their lives fighting by their posts to build up a tradition for us to be followed. In FREE INDIA the spirit of these heroes who knew no defeat will be worshipped for generations to come and will inspire the future sons of India to live up to such high ideals.

Sd. G. S. Dhillon,  
Lt.-Col.

Dated the 9th April, 1945. Commander 801 Unit."

To quote from another letter of Major Dhillon to Netaji on the same subject: "Their bravery is unparalleled in the history of war. Attacking of tanks and A.F.V.s may seem impossible but these heroes preferred to die fighting than to handup and show their backs."

But bravery alone could not save the situation. The advance armies under General Slim pursued the I.N.A. forces from valley to valley. And while chunks of them deserted the rest were compelled to surrender, among them being Shah Nawaz, Sehgal and Dhillon.

After the fall of Mytikina it became evident that the Japanese could not stop the British 14th Army's advance. On the 23rd April, 1945, the Japanese started evacuating

Rangoon. Netaji Subhas Chandra Bose left the city on the 24th and appointed Col. Loganathan as G.O.C. Burma Command. A contingent of 6,000 I.N.A. men was left behind for the purpose of protecting the Indian civilians as Rangoon had no Police force or regular troops of any nationality. These responsibilities of the I.N.A. of policing and maintaining Law and Order were sanctioned and recognised both by the acting Burmese Prime Minister and by Wing Commander L. Hudson, R.A.A.F. who was the seniormost among British Prisoners-of-war. The Azad Hind League continued to function under J. N. Bahaduri. During the period between the departure of the Japanese and the arrival of the British, the I.N.A. was in control of Rangoon and there was not a single case of dacoity or looting.

On 4th May, 1945, the British troops landed. Brigadier Lauder the British Commander told Col. Loganathan that the I.N.A. was to continue till they were sent to India. All arms and military equipment were taken away from the Army and they were asked to lodge in Central and Insein jails. Brigadier Lauder, however, pointed out, the jails should not be considered "a jail." He was housing them there because there was no other accommodation available and said that they should consider the jail to be I.N.A. Barracks. Inside the barracks there would be no restrictions and Col. Loganathan would continue to be the Commander and administer according to the I.N.A. regulations. The only thing that he wanted the I.N.A. to do was to remove the I.N.A. badges of rank. The reason he gave was that I.N.A. was not recognised by the allied forces and if I.N.A. officers went into the town wearing the badges they may not be paid due respect by the allied officers and might lead to unnecessary trouble. The Azad Hind League was also allowed to carry on its non-political work. It re-opened five dispensaries which it had earlier closed down. The Azad Hind Bank which was started in Rangoon in April, 1944, continued working until May 19, 1945, when the British took it over. The League's work came to an end on May 28, 1945, when Mr. Bahaduri and other leaders were arrested. Meanwhile the first contingent of I.N.A. men left for India on the 13th May, 1945.

Subhas Chandra Bose had left Rangoon for Bangkok with about 2000 men of the Indian National Army. The trek of these 2000 men was described even by the Allied forces as remarkable. Despite the fact that the Japanese left these men without support or supplies they succeeded in making the trek in excellent order. Stragglers were few and the rate of sickness low. The Rani of Jhansi Regiment which was covering the retreat of Subhas Bose fought a splendid rearguard action near Moulmein when they successfully halted the pursuing British Armies. It is interesting to note that while the I.N.A. Women's Regiment was equipped only with rifles their opponents had bren-guns and tanks.

The rest of the story is still shrouded in mystery except that from Bangkok Subhas Bose went to Singapore, where he learnt about the Japanese surrender. On the night of 15th of August he gave his last Broadcast talk to the Indians in South East Asia. Next, he was heard of at Bangkok on his way to Tokyo for important consultations. Ten days later, Tokyo radio announced his death in an aircraft crash at Taihoku in Formosa. Bose, it was stated, died in a hospital on the morning of 19th August. This incidentally is the second time his death has been announced.

Many believe that he is still alive. Whether alive or dead, Subhas Chandra Bose will live as long as India lives.

As for the men who were with him the special correspondent of the "Hindustan Times" reports that "All reports go to show that the morale of the I.N.A. men has been very high during the period of their detention. They have been causing considerable annoyance to their gaolers by raising slogans and singing patriotic songs.

"They refused to take orders from any body in the concentration camp except their own commanding officer, Col. Gupta....

"In Indian circles in Bangkok I heard some amazing stories of how these men resisted "Netaji's order to surrender after the Japanese collapse. On August 9, when news of the Japanese surrender came through, the 300 men

of Subhas Bose's Bodyguard raised the slogan "JAPAN HAS SURRENDERED, NOT WE." It was impossible for Gen. Bhonsle to persuade them to surrender to the British forces when they came.

"On August 17, Bose reached Bangkok at 4 p.m. and later in the evening visited the I.N.A. lines. He found the men in such a mood that he too did not have the heart to ask them to surrender. He only said to them "YOU ARE QUITE RIGHT. WE WON'T SURRENDER." But while leaving Bangkok the next day, he seems to have left instructions with Bhonsle for surrender to the British forces.

"At Cholpuri Camp where the main I.N.A. forces in Siam were concentrated, the men were in the same mood and Nos. 1 and 2 "Janbaz" units swore that they would shoot down anyone who came to ask them to surrender. Even Bhonsle was afraid to go to them directly and persuade them to surrender.

"So Bhonsle, Rathori and Ram Singh went to the Commanding Officer, Col. Thakur Singh's house in Cholpuri and there called a meeting of officers in the Cholpuri camp. They told them that it was no use throwing away their lives so far away from home when they could be of some use to their country later. There would have been some sense in it if they were fighting in Burma.

"At last the I.N.A. men were persuaded to surrender, but on the express condition that no British Officer would enter their camps. This assurance is reported to have been readily given by Col. Shivadatta Singh on behalf of the British, a promise which has since been broken."

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V

### Hukumat-e-Azad Hind

The Provisional Government of Azad Hind was formed on the 21st October, 1943. The proclamation and its signatories have already been quoted in the first chapter.

The Headquarters of Azad Hind Government and of the Indian Independence League were first in Singapore



Capt. Mrs. Lakshmi



but shifted to Rangoon on January 7th, 1944. There were nineteen Departments in the League Headquarters. The Ministers of the Azad Hind Government functioned through these.

At Singapore there was a Rear Headquarters of the Indian Independence League which supervised activities in Malaya, Sumatra, Java and Borneo. The League had 70 branches in Malaya with a membership of over two lakhs. In Burma there were 100 active branches. In Thailand, there were 24 branches. There were branches also in the Andamans, Sumatra, Java, Celebes, Borneo, the Philippines, China, Manchukuo and Japan.

The Indian Independence League did a variety of constructive work. Large funds were spent for relief among Indians, who were hard hit by war. In Malaya particularly, distress was very acute among the Labour population in the estates. The League branches appointed doctors and organised relief centres where food and medicines were given free in all deserving cases. The biggest relief centre was in Kuala Lumpur where at one time there used to be a daily average strength of over one thousand men, women and children.

In Burma the I.I.L. was running a number of free dispensaries. In Thailand there was a fully equipped hospital for Indians.

In Malaya the I.I.L. took to settling the distressed Indians on virgin jungle land. Over 2,000 acres were cleared for the purpose.

Education of Indian children was an important department. National schools were opened and run by the Indian Independence League in all the territories. In Burma alone, there were 65 Indian schools run under the supervision of the League.

On the political side Propaganda and Publicity was naturally treated as important. There were four Radio Stations attached to the Azad Hind Government and two newspapers—"Azad Hind"—a weekly and "Poorna Swaraj"—a daily.

A corps known as the Azad Hind Dal was specially organised. The object of the organisation was to administer

the territory taken by the I.N.A. It was composed of civilians who had been given training in civil administration in Singapore and then in Rangoon.

On 17th February, 1944, the islands of Andamans and Nicobar were ceded to the Azad Hind Government. At a ceremony held at the Headquarters of the Indian Independence League, Port Blair, the islands were formally handed over to Col. Loganathan who had been appointed Chief Commissioner.

Besides the Andamans on the Indo-Burman Frontier where the I.N.A. launched an attack on India early in 1944, 1500 square miles of territory were liberated. Col. Chatterjee was the Governor of the liberated areas and under him the members of the Azad Hind Dal helped to organise the civil administration. Cases of land settlement were decided. Medical aid was given to the villagers and law and order maintained.

The Provisional Government had its own bank. The Azad Hind Bank was established in April 1944, at 94, Park Road, Rangoon and was registered under the Burmese Law. Collections were made by the Bank on behalf of the Government. These collections were in cash as well as in kind. The total collections in Burma amount to about Rs. 15 crores and in Malaya Rs. 5 crores. The Azad Hind Bank was a share-holder bank with a capital of Rs. 50 lakhs. Deposits of private individuals amounted to Rs. 30 to 40 lakhs. All deposits were in Japanese currency. Payments to the Provisional Government were made through the Finance Department. A sum of Rs. 10 to 30 lakhs was paid to the I.N.A. every month. When on the 19th May the Bank was sealed a sum of Rs. 30 lakhs remained as balance.

The Finance Department functioned under Col. Chatterji. Contributions and donations were collected from rich and poor alike on a voluntary basis. Wherever Netaji went the enthusiastic admirers gave all they had. A Punjabi youth purchased a garland for Rs. 10 lakhs. Cases were not rare when the Indian residents gave all they had.

The Ziawadi Estate in Burma was administered by the Provisional Government and all income derived there-

from was credited to the Government funds. The Provisional Government paid for everything that they purchased from the Japanese. All arms and ammunition were purchased from the Japanese. It was here that the snag lay. Although the number of volunteers for the I.N.A. was very large, it was not possible to equip every one. Therefore the number of fully equipped soldiers was very small as compared with the number who volunteered.

The Indian National Army was the militant wing of the Azad Hind Government. It was officered and trained entirely by Indians. The official total strength of the I.N.A. was 40,000. Recruits were drawn from the Indian Prisoners of War and Indian Civilian residents of South East Asia. Recruitment was entirely voluntary and no coercion of whatever type was used. Every recruit had to take the following pledge:

"I hereby voluntarily and of my own free will join and enlist myself in the Indian National Army. I solemnly and sincerely dedicate myself to India and hereby pledge my life for her freedom. I will serve India and the Indian Independence movement to my fullest capacity even at the risk of my life. In serving the country I will seek no personal advantage for myself. I will regard all Indians as my brothers and sisters without distinction of religion, language or territory."

There was an Officers' Training School in Singapore and another in Rangoon. Nearly 1500 officers graduated through this school. For men there were four training centres where 7,000 soldiers could be trained at one time. All training was given in Hindustani and words of command were also given in that language.

In February 1944, the Headquarters of the I.N.A. were shifted to Rangoon. There was a Rear Headquarters at Singapore.

The organisation of the Army was on the British pattern. There were in all 3 Divisions of combatants. Each division had a number of Brigades which were further

subdivided into Regiments and Companies. The I.N.A. Act followed generally the Indian Army Act.

There was a special service group known as the Bahadur Group. This group was under the command of Lt.-Col. Burhanuddin. The function of this group was to carry out espionage, sabotage, and propaganda at the front, where fighting was in progress and for this purpose to send infiltration parties behind the lines of the British forces as well as into India. Detachments from this group were from time to time sent to the front and took an active part in the fighting on the Indo-Burma Frontier in 1944-45.

Another important wing of the I.N.A. was the Rani of Jhansi Regiment under the Command of Dr. Mrs. Luxmi Swaminathan. This Regiment was raised from amongst women after Subhas Bose arrived in Singapore. Addressing the Regiment on 12th July, Netaji said:

“....If there is anyone either here or elsewhere who thinks that it is an unwomanly act to shoulder a rifle I would ask him or her to turn to the pages of our History. What had our brave women done in the past? What did the brave Rani of Jhansi do in the great Revolution of 1857, which we call India's First War of Independence? It was the Rani of Jhansi who on horseback with drawn sword led her men to battle. Through our ill-luck she fell. She failed and India failed. But we have to continue and complete the work which the Great Rani of Jhansi undertook in 1857.

“Therefore in the last and final War of Independence we want not one Rani of Jhansi, but thousands and thousands of Ranis of Jhansi. It is not merely the number of rifles you may carry or the number of shots that you may fire which is important. Equally important is the moral effect of your brave example.... Therefore, considered from every point of view I am convinced that the time has come for man and woman, for boy and girl, for everyone, for every single individual who calls himself or herself as Indian, to come forward and make the maximum sacrifice possible so that India may be free and as soon as possible.”

Rani of Jhansi Regiment was given full military training and also instructed in the use of arms. The first training camp was opened in Singapore in October 1943 and later another in Rangoon. The regiment was at first allotted the role of nursing duties but the women warriors were not willing to be left out from actual fighting. They said "When you opened our first training camp you assured us that we could fight in the thick of the battle like the Rani of Jhansi....we are denied access to the front line. We are reduced to a corps of nurses....Our training has been satisfactory and complete....We have signed this petition with our blood....to prove that we are determined to give our lives in the cause of Indian Freedom...." Netaji was not the man to disappoint anyone. He gave orders that the Rani of Jhansi Regiment was to fight shoulder to shoulder with the other units on the front. The unit fought bravely on the Indo-Burma Frontier and later while withdrawing from Burma they fought a valiant rearguard action near Moulmein.

The communalism of British Indian Army found no place in the I.N.A., where all Indians were treated on the same footing irrespective of caste, creed or province. There was no discrimination in the food given to men and officers. Even Netaji ate the same food. The I.N.A. had only one kitchen where Hindus, Sikhs, Mohamadans and all others ate together.

The I.N.A. was regularly paid and the pay of men did not differ from what the British Indian troops get. The officers, however, drew very much less. Lieutenants got Rs. 80 per month, Captains Rs. 125, Majors Rs. 180, in Malaya and Rs. 230 in Burma. Lt.-Colonels Rs. 330 and Colonels Rs. 400. At these rates of pay Britain could not get even 1 per cent of the present number of Indian officers to fight for her.

The Flag of the I.N.A. was the Tricolour and the salute "JAI HIND."

The morale of the Army was very high. The I.N.A. displayed unexampled bravery under the most trying circumstances. What made these men who had all their lives served the Government risk their all in a struggle, the out-

come of which must have been doubtful to the most confirmed optimist? In the trials of the Officers of the I.N.A. the prosecution has done its best to prove that enrolment to the I.N.A. was forced—nothing could be more absurd. Only imbeciles could hope to fight a war of liberation with men who had to be tortured to enlist. The answer why they fought is perhaps best contained in the statement of Shah Nawaz Khan which he read out to the court during his trial:

"Bred in traditions of loyalty to the British Crown I had known India only through the eyes of young British officers. When I met Netaji and heard his speeches for the first time in my life I saw India through the eyes of an Indian.

"I was deeply impressed by his selflessness, his absolute devotion to his country, his frankness and his refusal to bow before the Japanese wishes. I knew that in his hands India's honour was safe. He would never barter it for anything in the world. He warned all those who stayed in the I.N.A. to be prepared to face thirst, hunger, forced marches and in the end death.

"When with my own eyes I saw the enthusiasm of thousands of poverty-stricken Indians in the Far East who gave to the I.N.A. all that they possessed and whole families joined the Azad Hind Fauj and became 'faquires' for the sake of their country I knew we had a real leader and that he in the name of millions of poverty-stricken, unarmed and helpless Indians appealed to us to come forward and sacrifice our lives for their liberation. No honourable Indian could have refused this much to him....

"I joined the second I.N.A. in February, 1943, on being told that Netaji Subhas Chandra Bose would be coming to Singapore to take over its command. When Netaji arrived in Singapore I watched him very keenly. I had never seen him before and did not know much about his activities in India.

"In Malaya I heard a number of his public speeches which had a profound effect upon me. It will not be wrong to say that I was hypnotised by his personality and his speeches. He placed the true picture of India before us."

Shah Nawaz said he realised that "whether we liked it or not, the Japanese were definitely going into India. I also realised that the fighting would in all probability be carried into Indian territory as I did not think that the British forces would be able to stop the Japanese advance.

He had seen the invasion of Malaya and he did not wish it to happen to India. He thought he would be "much more useful to my country with a rifle in my hand to save the life, property and honour of Indians than as a helpless prisoner of war in Malaya."

"In Netaji, I found a leader and decided to follow him. And for me it was the greatest and the most difficult decision of my life—of fighting against my kith and kin, who were in the British Indian Army in very large numbers and whom I was certain I could never induce to see eye to eye with me. My family and my tribe were one of the privileged classes in India. They were all prosperous and contented. In fact, they were likely to suffer by my joining the I.N.A.

"On the other hand, when I thought of the starving millions who were being ruthlessly exploited by the British, who were being deliberately kept illiterate and ignorant to make this exploitation easier, I developed a great hatred for the system of rule in India, which, it seemed to me, was based on injustice. To remove this injustice I decided to sacrifice everything—my life, my home, my family and its traditions.

"I made up my mind to fight even against my brother if he stood in my way and in the actual fight that followed in 1944, we actually fought against each other. He was wounded. My cousin and I were fighting each other in the Chin Hills almost daily for two months.

"In short, the question before me was the King or the country. I decided to be loyal to my country and gave my word of honour to Netaji that I would sacrifice myself for her sake."

Another thing which had always upset him had been the difference of treatment between Indian and British soldiers. He saw with his own eyes that so far as fighting was concerned there was no difference. The Indian sol-

dier stood his ground and fought to the last. Why then there should be so much difference in their pay, allowances, food, and living conditions, he had never been able to understand. It seemed to him extremely unjust.

Proceeding, he said: "Secondly, I may point out that the I.N.A. was raised, trained and led in the field entirely by Indians. On the other hand, out of two and a half million Indians, in the Indian Army not a single officer was given the command of a Division and only one Indian was given the command of a Brigade.

"In joining the I.N.A. I was prompted only by motives of patriotism. I fought a straightforward and honourable fight on the battlefield against the most overwhelming odds. I was handicapped by lack of proper medical facilities, transport and supplies, and for long periods we had to live on paddy and jungle grass, when even salt was a luxury for us. During this period we marched over 3,000 miles in Burma."

"I wish to bring to your notice," Shah Nawaz concluded, "and to the notice of my countrymen that no mercenary or puppet army could have faced the hardships as the I.N.A. did. We fought only for India's Independence. I do not deny having taken part in the fight, but I did so as a member of a regular force of the Provisional Government of Free India who waged war for the liberation of their country according to the rules of civilised warfare."

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## VI In The Red Fort

On Nov. 5th, 1945 the Red Fort saw the opening of the first of the I.N.A. trials.

It was in August that the whisper went round that 20,000 men of the I.N.A. were confined in Delhi Fort and the six of them had already been shot. The news first saw print on August 4th in Birbal's syndicated columns "Attitudes and Latitudes." The subject, however, remained too dangerous to allow comment. Even the politicians

kept strictly off it lest in the words of Pandit Nehru "any mention of it might have been misunderstood".

The war ended on the 15th August. On the 20th Pandit Nehru's first statement saw print.

".....Now a very large number of Officers and soldiers of the Indian National Army, as it is called, are prisoners and some of them at least have been executed.... At any time it would have been wrong to treat them too harshly but at this time—when it is said big changes are impending in India, it would be a very grave mistake leading to far-reaching consequences if they were treated just as ordinary rebels. The punishment given to them would in effect be a punishment on all India and all Indians and a deep wound would be created in millions of hearts...."

It took the censor three days to pass this statement. Simultaneously, however, an official note appeared to say that "The Government of India are at present considering very carefully the treatment to be given to Indian soldiers who joined the enemy. The cases of these men are being examined as quickly and as sympathetically as possible, and it is hoped to make a comprehensive announcement in the near future setting out the policy that has been adopted".

Immediately the I.N.A. became not simply an open subject but the subject of the day. Public opinion was very strong in urging the release of the men but on the 27th August the Government made it clear in a Press Communiqué that it "had decided to treat with mercy and generosity the rank and file of those soldiers who yielded to pressure and who were so misguided as to join the forces raised by the enemy, but they will allow the law to take its course and will try by court martial the leaders and those who were guilty of particularly heinous crimes ....They will be allowed to choose counsel to represent them". To the Indian mind, however, as Pandit Nehru said, the main point was not one of law. When the Congress Working Committee met in Poona in the middle of September, it resolved that for "....reasons of far-reaching consequences and in view of the termination of the

war, it would be a tragedy if these officers, men and women were punished for the offence of having laboured, however, mistakenly for the freedom of India. They can be of the greatest service in the heavy work of building up a new and free India. They have already suffered heavily and any additional punishment will not only be unjustified, but will cause sorrow in innumerable homes and to the Indian people as a whole, and will widen the gulf between India and England. The AICC, therefore, earnestly trusts that these officers and men and women in this army will be released...."

On the 22nd September the Congress Working Committee passed a resolution appointing a Defence Committee "to take all necessary steps for the defence of the officers and men and women of the INA or of like forces, who may be brought up for trial".

The Committee consisted of Sir Tej Bahadur Sapru, Mr. Bhulabhai Desai, Dr. Kailas Nath Katju, Pandit Jawaharlal Nehru, Mr. Asaf Ali (convener) and Mr. Raghu-nandan Saran with powers to co-opt.

RED FORT, Delhi, Nov. 5th, 1945.

Sir N. P. Engineer, Advocate-General of India, in his opening address detailing the prosecution case said:

"The charges against the accused are under Section 41 of the Indian Army Act. All of them are charged with "Waging War against H.M. King-Emperor of India contrary to Section 121 of the I.P.C. (charge I).

"Lt. Dhillon is charged with the murders of Hari Singh, Dulichand, Daryao Singh and Dharam Singh on March 6, 1945, contrary to section 302 IPC (charges 2,4,6 and 8).

"Captain Sahgal is charged with abetting the said murders contrary to section 109 and 302 I.P.C. (charges 3, 5,7 and 9).

"Captain Shah Nawaz Khan is charged with abetting the murder of Mohd. Husain on March 29, 1945, contrary to sections 109 and 302, I.P.C. (charge 10).

"The accused are all Indian Commissioned officers and as such they are subject to the Indian Army Act.

"Capt. Shah Nawaz Khan was born in Rawalpindi on 24th January 1914. After attending a course at Indian Military Academy, Dehra Dun, he was granted a regular commission in the Indian Land Forces with effect from February 1, 1936, and on the same day relevant details of the grant of this commission were published in the Gazette of India. In February 1937 he was posted to 14 Punjab Regiment.

"Capt. P. K. Sahgal was born at Hoshiarpur on January 25, 1917. He also attended a course at the I.M.A. Dehra Dun, and was granted a regular commission in the Indian Land Forces with effect from February 1, 1939. Notice of the grant of this commission was published in the Gazette of India on February 18, 1939 and he was posted to 10 Baluch Regiment in February 1940.

"Lt. G. S. Dhillon was born at Algou in Lahore District on April 4, 1915. He too attended a course at the IMA Dehra Dun on completion of which he was granted a regular commission in the Indian Land Forces with effect from April 3, 1940, notice of which appeared in the Gazette of India of June 1, 1940. Shortly after being commissioned he was posted to 14 Punjab Regiment.

"I will first deal with the charge of "waging war against the King-Emperor.

"Section 41 of the IAA provides that every person subject to the Act who either within British India or at any place beyond British India commits any civil offence shall be deemed to be guilty of an offence against military law and if charged therewith under the Section shall subject to the provisions of the Act be liable to be tried for the same by Court Martial. Civil offence is defined in Sec. 7(18) as an offence which if committed in British India would be triable by a criminal court.

"The motive with which the war is waged is immaterial. Whether the persons charged with the offence did the act with what they considered to be a patriotic motive or with a mercenary motive, the offence is nevertheless committed according to law. The question is whether according to the law applicable to the accused (in this case

the Indian Army Act read with the relevant provisions of the I.P.C.) the offence with which they are charged is committed. The offence in question is committed against the duty of allegiance. This allegiance the accused owed to the Crown at all times and in all circumstances. The allegiance remained with them wherever they might be and they were bound by this allegiance even when they were prisoners of war.

"The accused waged war against H.M. King as officers of and by fighting in what was called the Indian National Army...."

Tracing the history of how the I.N.A. was formed, Sir N. P. Engineer was at pains to show that recruitment to the I.N.A. was forced. "The Indian Sepoy is trained to follow his officer with unquestioning obedience. The accused went about recruiting men for the INA and among other things gave promise of better treatment and held out veiled threats. The only alternative to joining the INA was starvation and torture. No wonder then that many men of the Indian National Army enlisted in the INA, particularly as they had the example of their own senior officers who had joined the INA.

"The evidence will show that the accused recruited men for the INA, took part in the organisation of the INA, gave directions and orders for fighting against H. M.'s forces and themselves actually fought against them. In doing so, they carried out pre-arranged plans and carried a common design to wage war along with others."

Thereafter, the Advocate-General gave the story of INA in action, quoting extensively from the diaries of the accused and documents bearing their signatures, in support of the prosecution's first charge of waging war against His Majesty the King."

He next dealt with the charges of murder and abetment of murder in support of which he produced documentary and oral evidence.

"It is submitted", he concluded, "that the aforesaid acts of the accused amounted to murder and abetment of murder. If accused seek to rely upon any general or spe-

cial exception or upon any proviso in the Indian Penal Code, the burden of proving the existence of circumstances bringing the case within such exception or proviso is under Section 105 of the Indian Evidence Act upon the accused and the court shall presume the absence of such circumstances. The prosecution will submit that any plea that they were bound or justified by law in doing what they did cannot avail them. Joining with rebels in an act of rebellion or with enemies in acts of hostility makes a man a traitor. An act of treason cannot give any sort of rights nor can it exempt a person from criminal responsibility for the subsequent acts. Even if an act is done under a command, where the command is traitorous, obedience to that command is also traitorous.

"It is submitted that the accused cannot in law seek to justify what they did as having been done under the authority of the Indian National Army Act. No authority purporting to be given under that Act can be recognized by this court or indeed by any court of this country. The assumption of any court of any such authority was illegal from the beginning. Any tribunal or authority purporting to be established under that Act would be in repudiation of the allegiance which is inherent in a court of the country. Those who instituted or took part in the proceedings were themselves liable to be punished for offences against the State. All orders under the INA act or by any tribunal or authority purporting to be established under that Act would be in repudiation of the allegiance which is inherent in a court of the country. Those who instituted or took part in the proceedings were themselves liable to be punished for offences against the State. All orders under the INA Act or by any tribunal or authority purporting to be established by it are without sanction. They cannot protect the person who made such orders or who acted upon them."

All the three INA officers emphatically answered "not guilty" to all the charges.

The first prosecution witness was Lieut. D. C. Nag, a former member of the INA who gave evidence about the

formation of the INA and its activities. He disclosed that he was the author of the INA Act which governed the Azad Hind Fauj.

The examination of Lt. Nag was concluded on November 6th and the Court adjourned for a fortnight, to allow the Defence to prepare its case.

When the proceedings were resumed on November 21st Lt. Nag was cross-examined. The most significant confession of the witness was that the INA was formed to free India, for the sake of Indians and that they were acting as Allies of Japan, as equal partners, in no way subordinate to them.

The prosecution witnesses on November 22nd were Capt. Dhargalkar and Subedar Major Baboo Ram. They were produced to substantiate the atrocity charges, but confessed that no pressure was exercised and that enlistment to the INA was purely voluntary.

On 23rd November Jamadar Altaf Raza and Naik Santosh Singh told the story of INA's attempts to liberate India.

Of the total of some twenty-seven prosecution witnesses, the high-light was the confession of Sepoy Saidullah Khan that he had been told what evidence to give and made to memorise the dates, as he was illiterate.

On 30th November the Court adjourned till December 6th and again to the next day, when Lt. Col. J. A. Kitson gave the story of how Lt. P. K. Sahgal surrendered.

On this day the three accused read out their statements. Extracts from the statement of Capt. Shah Nawaz have already been quoted. He further said that in recruiting men for the INA, he collected such men as would be prepared to fight even against the Japanese, if they proved dishonest and this fact had been established beyond doubt, even by the prosecution witnesses. He denied that there was any pressure on him to join the INA. He had forbidden forced enlistment and actually warned officers with punishment, if any one was forced to join the INA. Netaji—Subhas Chandra—gave free choice to everyone in

the INA to leave its ranks if they were not prepared to make extreme sacrifice and his warning to those who stayed in the INA was to be prepared to face thirst, hunger, forced marches and in the end death.

Capt. Sahgal in his statement recounted the circumstances in which he said he felt compelled to join the INA. He referred to the meeting held at the Ferrar Park in Singapore on February 17, 1942, and said that there "Lt. Col. Hunt, as the representative of the British, handed over the Indian Officers and men to the Japanese like a flock of sheep. "This", Captan Sahgal went on, came as a great blow to us all. The Indian Army had fought bravely against the heaviest odds, and in return the British High Command had left them completely at the mercy of the Japanese."

"We felt that the British Government had on its own cut off all the bonds that bound us to the British crown and relieved us of all obligations to it. The Japanese handed us over to Capt. Mohan Singh, who was styled as the G.O.C. of the Indian National Army and we were left free under him to fashion our own destiny. We bona fide believed that the British crown having ceased to provide any protection to us, could no longer demand allegiance from us".

Capt. Sahgal proceeded to refer to the happenings in India in August 1942 after the passing of the Quit India resolution: "The All India Radio, Delhi and the BBC drew a curtain over the happenings in India. However, certain secret stations, supposed to be functioning somewhere in India and the Japanese and other Axis controlled radio stations outside India broadcast freely about these happenings and the measures taken by the Government to suppress the freedom movement. From the details broadcast by these stations, a veritable reign of terror, similar to the one that had followed the Revolt of 1857 seemed to have set in.

"In view of the complete reticence of the British and the Indian Press and the official broadcasting agency on the subject, we had no reason to doubt the correctness of

these broadcasts. Needless to say that they filled us with terrible anxiety concerning our near and dear ones, whom we had left behind and with the bitterest resentment against British Imperialism which seemed to be bent upon keeping us and our country under perpetual subjection."

Capt. Sahgal said that the information he heard about the state of defence in India was by no means encouraging and the most optimistic among them could not be sure of the ability of the British to stop the Japanese advance. After protracted discussion the only solution they could think of was the formation of a strong and well-disciplined armed body which should march into India and while fighting for the liberation of India from the existing alien rule should be able and ready to provide protection to their countrymen against any possible molestation by the Japanese and to resist any attempt by the latter to establish themselves as rulers of the country in place of the British.

Capt. Sahgal claimed that he was entitled to all the privileges of a prisoner of war. In his note of April 18, 1945, to the Commander of the British forces to whom he and other officers and men fighting under his command surrendered at Popa, he had said quite plainly that they were ready to surrender only as prisoners of war. The receipt of this note is admitted by the headquarters, Bahadurgarh area, in their letter dated 12-10-45 but, which was stated in the letter to be unavailable.

"On receipt of this note, surrender was accepted without objection to the terms on which we had offered to surrender and after surrender we were actually treated as prisoners of war.

"Had we been told that surrender on the terms offered by us was not acceptable to the British Commander, we were determined to fight on and were in a position to do so because, we were nearly 600 strong, fully armed and equipped and each one of us was prepared to shed the last drop of his blood for the sake of his country."

On the charge of abetment of murder, Capt. Sahgal said that he tried the four sepoys mentioned in the charge





sheet. They were found guilty and were sentenced to death. The sentence was, however, not carried out, the convicts, like many others who were similarly tried and sentenced about that time, having been pardoned on their expressing regret and giving an assurance not to misbehave in future. The fact of the sentence having been passed was, of course, used for its propaganda value, in order to deter others from deserting.

Even however, if the sentence had been carried out, he could not be charged with the offence of abetment of murder. The four culprits had voluntarily joined the INA and had submitted to its discipline and had voluntarily and willingly agreed to participate in the coming fight. They having shamefully deserted while in action and in the face of the enemy, had committed an offence punishable with death under the INA Act and under the Military law all the world over."

Lt. Dhillon spoke last and recalled that in the Chetwood Hall in the Indian Military Academy at Dehra Dun, were engraved the words: "The honour, welfare and safety of your country comes first, always and every time. The comfort, safety and welfare of the men you command comes next. Your own safety and comfort comes last, always and every time". It was with this motto in front of him that he served his country as an officer in the Indian Army.

"I got to realise the full significance of the havoc done to my unfortunate country by one and a half century of British rule. While the British, I thought to myself, had exploited all our material resources for their own benefit and had freely drawn upon our manpower to fight their own imperialist wars, they had not only done nothing to prepare us for the defence of our motherland in case of need, but had in order to keep us in bondage for all time to come, completely emasculated us.

"In the Indian National Army proposed to be organised by Mohan Singh, I saw a new hope for India. I felt that if a strong and willing National Army could be raised at that juncture, it could not only liberate India from

foreign rule, but could also resist the Japanese in case they should try to go back upon their word and instead of helping us to win our freedom, should seek to exploit our country, for their own purposes.

"Mother India seemed to be calling me and I decided to respond to her call and threw in my lot with Mohan Singh."

Lt. Dhillon went on to explain his decision to continue in the second INA under Subhas Bose. Referring to recruitment to the INA, he said that to his knowledge no coercion or force was used to induce any prisoner of war to join the INA; "In fact the use of force or coercion for such purpose was wholly unnecessary, because we always had a very large number of surplus volunteers whom we were unable to arm or put under training for want of equipment."

Lt. Dhillon declared that "the evidence given by some prosecution witnesses that the prisoners of war were sent to the concentration camp or to detention camps to coerce them into volunteering is absolutely false. There was a detention camp to which only persons found guilty of indiscipline or other offences were sent by way of punishment. That camp had, however, nothing to do in any shape or form with enlistment in the INA. On the contrary, persons confined in the detention camp were not accepted as volunteers even if they offered to do so, because detention in that camp for any period indicated some defect of character and was a disqualification for membership of the INA. These prosecution witnesses have told false and distorted tales to save their own skins and to curry favour with the Government."

At every stage of the campaign he gave his men the option not to fight and it was due to this particular reason that although for weeks he stayed within two miles of the enemy lines, none of his men ever went and reported his location to the enemy. "Many a time I had to go without water for 20 to 30 hours and without food for two or three days. If as a Brigade Commander I had to undergo these hardships, my men must have suffered much

more and yet they accompanied me. No men who had joined under duress or coercion could have done so."

It was true that he committed four men for trial on charges of desertion and attempting to communicate with the enemy. "It is, however, quite untrue that those men were shot at my instance or under my orders. On the day and at the time they are said to have been shot I was confined to bed and unable to move. In fact the sentences of death passed on these men were subsequently remitted by the Divisional Commander and they were never executed.

"Whatever I did, I did as the member of a regularly organised force, fighting under the Provisional Government of Free India and am, therefore, not liable to be charged with or tried under the Indian Army Act and the Criminal Law of India for any offence on account of any act done by me in the discharge of my duties as a member of such a Force.

"I am further advised that in the point of law my trial by court martial is illegal. I joined the INA with the best and purest of motives. As a member of the INA, I was able to help a number of prisoners of war with money and materials. The INA was able to protect life, property and honour of the Indians residing in the Far East. I saved the lives of many civilians and prisoners of war, who had been sentenced to death by the Japanese on different charges.

"I successfully persuaded the Japanese to refrain from bombing civilians in India. The Indians in the Far East showed their appreciation of the services rendered to them by the INA by contributing crores of rupees to the funds of the Provisional Government of Free India and were actuated by the most patriotic motives."

On 8th December the first witness on behalf of the Defence gave evidence. He was Mr. Subro Ohta of Japanese Foreign Office. He produced documents to show that Japan recognised the Azad Hind Government in October 1943. Mr. Matsuo Moto, the Japanese Vice Minister for Foreign Affairs deposed that the INA functioned as an independent Army.

On the 10th Major General Kata Kura, the chief of Staff of Japanese General Headquarters and Mr. Renza Sawda who was Vice Minister for Foreign Affairs from October, 1944 to May, 1945 gave evidence, explaining the role of the INA.

Mr. Teruro Hachiya, who was appointed Ambassador to the Provisional Government of Azad Hind was also examined.

**December 11th:** Mr. S. A. Aiyar, a Minister of the Azad Hind Government gave evidence about the role of his Government and its relations with Japan. Lt.-Col. A. D. Loganathan, one of the Cabinet Ministers and Chief Commissioner of Andaman Islands narrated how these islands were ceded by Japan to the Azad Hind Government and how they were administered.

**December 12th:** Lt.-Col. Loganathan was cross-examined by the prosecution at great length about his relations with the Japanese military authorities in the Andamans.

Mr. Dina Nath one of the Directors of Azad Hind Bank told the court about the activities of the Bank.

Havildar Shiva Singh was the next witness who narrated how the estate at Ziawadi in Burma was administered.

**December 13th:** Mr. B. N. Nandu of Commonwealth Relations Department gave evidence relating to the numbers of Indians in South East Asia on the eve of the Japanese war. Next Lt.-Col. E. K. Square, AAG Headquarters, Jumna Area was examined and gave evidence about the recording of BBC message to Berlin about the status of Maquis—the French resistance forces.

The last defence witness to be examined was Capt. R. M. Arshad whose evidence covered various events connected with the INA including its surrender at Rangoon.

The Court then adjourned for four days.

**December 17th, 1945:** In an atmosphere tense with expectation, Mr. Bhulabhai Desai, Chief Defence Counsel, rose to deliver his closing address. It lasted for ten hours.

"Substantially there is really one charge before the Court, because in so far as the charge of murder and abet-

ment of murder is concerned, it is part of the first charge. I say so, for the reason that it would be quite possible in the case of a charge of waging war against the king to be able to charge every single act of firing a shot, which would, I think be 'reductio ad absurdum'."

Mr. Desai said that in due course he would point out that in so far as the second charge (murder and abetment of murder) could be substantiated, there was no foundation in fact, for it, except to the extent that in reference to the four persons who are alleged to have been shot, there is on record evidence that they were tried and sentence was passed. "In reference to Muhd. Hussain, there is nothing on record to show that any sentence was passed. In all these cases it will be my duty to submit that on the evidence the Court is bound to come to the conclusion, that though sentence was passed in one case, and not at all in the other, neither of the sentence was actually carried out.

"This case", said Mr. Desai, "raises issues which are not of the normal type that probably a Court Martial is called upon to decide. Generally a Court Martial decides cases of individual dereliction of individual offences. I venture to say—and the evidence supports it—that this is not a case of three individuals waging war against the King.

"The evidence amply bears out the fact that these three men charged before you are part of an organised army, who waged war against the King according to the prosecution.

"What is on trial before the Court now is the right to wage war with immunity, on the part of a subject race for their liberation. I shall be able to cite accepted authorities on International Law, that a nation or a part of a nation, does reach a stage, where it is entitled to wage war for its liberation. I shall be able to make that good to the Court's satisfaction."

Detailing "a few important facts," Mr. Desai said: "The first conclusion of fact, which, I ask this Court to accept is that the Provisional Government of Free India was formally established and proclaimed. I submit that

there can be no doubt about this even and no cross-examination of witnesses, who have been called to prove that event, has, as far as I can see, been seriously intended."

Mr. Desai read out a proclamation of the Free Government which declared that it would be the task of the Provisional Government to launch and conduct the struggle that would bring about the expulsion of the British and their Allies from the soil of India, and that the next task would be the establishment of a Government constituted in accordance with the will of the Indian people.

"The fact that the Provisional Government failed to achieve its purpose is entirely irrelevant to the issue before the Court," said Mr. Desai. "The second fact which, we say, has been established is that the Provisional Government was an organised Government. It does not require many words to establish this proposition. The witnesses have spoken before the Court as to the allocation of the duties of the Ministers and it is also in evidence that the Indian Independence League became the executive of the Provisional Government, which organised, so far as it was possible to do in those war like conditions. Evidence is quite clear, in Malaya alone 230,000 persons had taken the written Oath of Allegiance to the Provisional Government. It is also in evidence that the process continued after June 1944.

"The object of stating the figures is that it was not a case of a Government of what you may call, or what somebody being my opponent, may facetiously call, set of rebels, a desultory sort of crowd, of no consequence. I wish to give the lie to that kind of suggestion and that is why I suggest that the Provisional Government was an organised Government to whom the whole of the two million odd people owed allegiance and out of whom 230,000 persons actually took the Oath of Allegiance in Malaya.

"The next fact which, I submit is established before the Court is that this Provisional Government was recognised by the Axis Powers.

"The recognition is only proof, and no more than that, that the Government recognised had the right to declare

war for the purpose for which it intended to fight, and the Government having the right to declare war, its armies are subject to its orders.

"With reference to recognition by certain East Asia Governments, a suggestion was made that these Governments were under the control of Japan. I fail to understand the significance of the suggestion, because even if Japan had succeeded in keeping the conquered territories without giving them liberty, the recognition would nonetheless be effective.

"The point still remains that the recognition is proof of statehood."

The next point which Mr. Desai submitted, that had been established was that this State's Provisional Government, had an army which was properly organised and had its own distinctive badges and emblems and functioned under regularly appointed officers. "I am obliged to the prosecution for saving the necessity of proving this proposition. They put in documents after documents to show that the INA was properly organised and that it was regulated by an INA Act."

"The next important fact that has been amply proved is that the INA was formed with two purposes—the liberation of India and the protection of lives, honour and property of the people residing in East Asia at that time."

It was also established that the Japanese Government ceded to the new India State the Islands of the Andamans Nicobar; that the Provisional Government acquired a territory of Zia wadi, about 50 square miles in area with a population of some 15,000 Indians, and that it administered for four to six months, the Manipur and Vishnupur areas covering some 1,500 square miles.

The point on which some difference between the Prosecution and Defence existed was the actual form and extent of the administration. But it was a misconception, Mr. Desai observed, to confuse the ceding of a territory, with taking over every item of administration of that territory, particularly under the conditions then prevailing.

Referring to the resources of the State, Mr. Desai mentioned that evidence before the Court showed that some twenty crores of rupees were in fact donated to the State and out of this amount the Civil Government and the Army were maintained.

It only emphasised that there was a complete organisation and that organization was as good as could reasonably be expected.

Mr. Desai proceeded to refer to a document which had not been put in as evidence but of which he submitted the Court should take judicial notice. The document was an article in a weekly magazine called Stamp Collecting.

Mr. Desai read an article in the weekly which quoted the journal's correspondent, Flying Officer T. A. Broomhead saying he had seen proof impressions of a special issue of stamps for use in Imphal. Two denominations, namely, three pice and one onna, seemed to have been prepared. The subject of the vignette was the old Moghul fortress at Old Delhi accompanied by the slogan "On to Delhi".

Bilingual inscription read: "Provisional Government of Free India". When it became evident that the Imphal stamps would not be required, the article went on, the dyes were destroyed, and the bulk supply of sheets printed in readiness was burnt with the exception of a small quantity salvaged by the printer.

Mr. Desai added that it appeared from the evidence that the Indian State had a Civil and an Army Gazette of its own.

On these facts the first question was that having regard to the conditions in which this Free Government of India had been formed and was functioning it was entitled to make war and it did make war for the purpose of liberating this country.

Mr. Desai elaborated his contention that when two states declared war any acts done in the prosecution of that war were outside the pale of municipal law and said: "Supposing a German who in the prosecution of war had shot two or three or ten Britishers was found in England,

the question is would he be charged with having committed murder? I submit, never, for the simple reason that those acts were done during the due prosecution of the war, which unfortunately in the present world of infirmities, the international law accepts."

Addressing the Judges, Mr. Desai said: "If you gentlemen in the due prosecution of war committed murder, could the civil laws as propounded by the other side be put into operation against you, when in all honour you acted in prosecution of your duties as members of an organized army of a State that had declared war?"

"The position now is that International Law has reached a stage at which, if liberty and democracy are to have any meaning at all—all over the world and not merely just for a part of it and this is not politics, it is law—any war made for the purpose of liberating oneself from foreign yoke is completely justified by modern international law, and it will be a travesty of justice if we are to be told as the result of any decision arrived at here or otherwise that Indians may go as soldiers and fight for the freedom of England against Germany, against Italy, against Japan, and yet a stage may not arise when Free Indian State may not wish to free itself from any country, including England herself. Therefore, it is that we maintain that this particular war requires no justification.

"There was at one time the old idea that you had to be an independent or a sovereign state in order to be able to declare war. But modern international law held "that it is unnecessary in order to constitute a war that both parties should be acknowledged as independent nations or sovereign states." Wheaton's International Law declared "a War may certainly exist between a state and its suzerain, as in the Boer War."

"My appeal to this Court and all of you who are familiar with British history is "what about Charles the First and his death?" What about the Magna Carta? What about James the Second?

"I put a very simple question: "what about the acts of those who fought on the side of the British in this

war? They killed lots of people. Would they be put up before this Court under Section 302?"

"It was a proper war fought on either side" Mr. Desai went on: "No doubt as in other wars one or the other side loses and the fact that a war is lost has no effect on the immunity from the consequences of acts done in due prosecution of the war.

"The test by which the Court must judge the case is: "Has the Defence proved or not proved the existence of a 'de facto' political organization of insurgents.

"I do not deny that they were insurgents. I will assume against myself that the people who declared the Provisional Government, of Free India were a set of insurgents, a set of rebels. But as President Grant of America said in his message of June 13, 1870; "The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent state and the insurgents must amount, in fact, to war in the sense of international law".

"I call upon you to do the same," said Mr. Desai addressing the Judges, "it is not a question of prejudice: it is not a question of prestige or what happens to the Army, to this or the other person. Please remember that you are here as Judges. You are not politicians, I agree, and I do not want you to be such. If you find that there was a "de facto" political organisation sufficient in character and sufficient in resources to declare war as an organised army, your verdict must be in favour of these men—no more and no less than the verdict on your own men for killing others, of which acts you are justly proud."

Mr. Desai went on to quote from a judgment of Chief Justice Fuller of the United States Federal Court, who said: "Where a civil war prevails, that is, where the people of a country are divided into two hostile parties, who take up arms and oppose one another by military forces, generally speaking, foreign nations do not assume to judge of the merits of the quarrel. If the party seeking to dislodge the existing Government succeeds, and the independence of the Government it has set up is recog-

nised, then the acts of such Government from the commencement of its existence are regarded as those of an independent nation. If the political revolt fails of success, still if actual war has been waged, acts of legitimate warfare cannot be made the basis of individual liability."

Mr. Desai quoted from the British Year Book of International Law, 1937, which said: "What we call belligerent recognition is not so much recognition, even temporary and provisional, of a new Government as the recognition of the existence of a war."

"The recognition," said Mr. Desai, "comes at a stage when it has not yet succeeded in establishing its own Government. Of course, if for instance, this very army had succeeded in its aim, then under the accepted maxim of international law, a successful revolution is the Government established by law.

"But earlier than that there is the stage at which it is in a state of war and that is all that is necessary for the purpose of my case. If I can establish that they were making war, which is regarded as a stage of belligerency by international law, they are entitled to the same privileges and immunities as would be accorded to the armies of two independent nations."

"While insisting that territory was ceded by the Japanese to the Provisional Government, I wish to point out that from the point of view of belligerency it is quite unnecessary that a particular Government for the time being need have any territory in its possession at all. Did the emigre Governments residing in London during the last war have an inch of territory? Yet who dare say that a member of the French or Yugoslav or Belgian army may not fight to liberate their own country? The last war has, I think, illustrated more than any other that some of the old principles may be overdone and that it is quite unnecessary that to be in a state of war you should necessarily have a local habitation. The fact that any of the emigre Governments were deprived of their territory temporarily, or the fact that the Indians were deprived of their territory for 150 years, makes not the slightest difference to the point before the Court."

"I hope there is no such thing as a law of limitation in dealing between nations. Supposing, for example, any of the emigre Governments had failed to get back its territory, could it be said in a British Court that the immunities granted to the army belonging to that Government did not exist? I urge you not to regard the instance before you as being in a different category because we happen to be Indians."

Mr. Desai read out General Eisenhower's declaration that the Maquis of France were to be regarded as a regular fighting force and the German reply that the French partisans had revolted against the legal French Government and hence did not constitute a fighting force. Mr. Desai said that he had included the German reply in the exhibit on the insistence of the Advocate-General. "I submit that the view put forward by General Eisenhower is correct. You are asked by the Advocate-General to adopt what the Germans say in a similar situation. With what face could such an argument as that advanced by the Prosecution be presented to a British Court?"

Mr. Desai submitted that if the Maquis were entitled to all the privileges and immunities of a fighting force seeking to liberate their own country, "I cannot see how you can fail to accord similar treatment to the I.N.A."

The most important fact of the Singapore surrender was the separation of the British officers and British ranks from the Indians. Lt. Col. Hunt handed over the Indians to Major Fujiwara, who told them that if they wanted to fight for the liberation of their country, they could do so. Mohan Singh's statement that he was prepared to organise the INA for fighting for India's liberation was acclaimed by the whole of the Indian P.O.W.S. present.

Captain Arshad had made the emphatic statement that "we believed that the only allegiance which was left was allegiance to our country."

Referring to John Amery's recent trial. Mr. Desai said that in England working against the King and country amounted to treason. In the situation in which India found herself, it was a question under what circumstances and to what extent the question of allegiance

could be raised at all because once you divided the King from the country, it became a very difficult issue for any human being. Hence I prefer to base my argument on the happenings at Ferrar Park.

"I am going to submit to the Court that inasmuch as the King and the country coincide, there is no question of any alternative. But where those fighting for freedom have, for the time being, imposed upon them what is called the duty of allegiance to the King, then the question does arise."

"Where you are nominally fighting against the King but really fighting to liberate your country, does the question of allegiance arise at all? Can it arise at all?

"Without selling your own soul, how can you ever say that if you are fighting to liberate your own country, there is some other allegiance which prevents you from doing so?"

"I submit that the choice of allegiance to King or country was presented by the force of circumstances to those prisoners of war who were surrendered by Britain."

"Should it be said that the I.N.A. fought for any other objective than the liberation of India, we have given the lie to that. The prosecution witnesses have from beginning to end—willing or unwilling, volunteer or non-volunteer—admitted that the object of the I.N.A. was to fight for the liberation of India."

"In defence of the honour of those whom I am defending and the group to which they belong, I must say that they were not stooges of the Japanese as might be said cheaply by the Prosecution."

#### **RED FORT, DELHI, Dec. 18.**

Resuming his closing address Mr. Bhulabhai Desai, read out the American Declaration of Independence of 1776 and said, "Here you have a classic illustration of the conflict between allegiance to the King and allegiance to the country, and men of honour chose their own country to the imposed allegiance of a foreign king."

"If this illustration of the case of a country which saved the world in the last war, and did so much in, the

case of civilisation is not going to be respected. I submit that justice would be completely denied."

"By reason of what happened at Ferrar Park and the actual state of events in India," said Mr. Desai, "It was perfectly legitimate, and indeed legitimised by the course of history, for the members of the I.N.A. to do what the American colonies did in 1776."

Mr. Desai quoted an old English authority of 1797 for the statement that where a powerful nation failed to protect a weaker nation, which was under its protection, the weaker nation automatically recovered its independence. Mr. Desai submitted that this condition was fulfilled in the case of the I.N.A.

Mr. Desai submitted that assuming for the purpose of argument that the accused were just prisoners of war of the Japanese, and the events which took place had not taken place they had not violated the obligations of prisoners of war. The accused did not, within the meaning of rules for prisoners of war, ever allow themselves to be the tools or instruments of the enemy. "I wish to make the point that there is no obligation whatever which prevents a person, who was a prisoner of war, from fighting on his own account for the liberty of his own country. I wish to re-emphasise the relations between the Japanese Army and the I.N.A., the objective of I.N.A. and the sworn objective of the Japanese as regards India. Unless these are borne in mind, the court may easily go into a wrong track."

"I quite agree that the Court or any member of it may say, 'you were fools in believing the Japanese.' That has nothing to do with the issue. The question is whether those, who formed the I.N.A. 'bona fide' did believe that they would be able to secure the freedom of the country. On this point many prosecution witnesses have testified that the I.N.A. was prepared to fight anyone who came in the way, even the Japanese. I ask the Court to hold that the I.N.A. honestly believed in the propriety of the step which they took and the justice of their cause."

The next point about the I.N.A. was that it was completely officered by Indians. Mr. Desai did not deny that

in so far as the higher strategy was concerned, it was no doubt in the hands of the Japanese, who claimed better judgment in that matter. Mr. Desai quoted statements made by prosecution witnesses that the officers were all Indians and that the men took their orders from Indian officers and not from the Japanese.

The prosecution idea of contrasting the comforts available in the I.N.A. with those available as prisoners of war under the Japanese did not carry the matter very far, suggested Mr. Desai.

All that men in the I.N.A. got by way of rations were rice, oil and a small quantity of sugar. The prosecution could not suggest that this was a luxury which attracted men to the I.N.A. It must further be remembered that those who joined the I.N.A. were certainly facing the possibility of death which every soldier faced, unless he wished to avoid it, as he would by remaining a prisoner of war.

A further point was that the I.N.A. was a purely voluntary army. The utmost efforts made by the prosecution had failed to prove anything to the contrary.

Referring to the evidence of torture and atrocities which the court had admitted, Mr. Desai presented an application to be added as an annexure to his address, asking that such evidence be excluded from the court's consideration. The accused he said, were not charged with having committed any torture or atrocities on any prisoner of war. On the other hand, it was distinctly admitted by the Advocate-General that there was no suggestion that any of the accused had committed any torture or atrocity, that he was concerned with their commission or was even present at the time they were alleged to have been committed.

Mr. Desai went on to analyse the evidence put on this point and contended that witness who had alleged persecution had failed to substantiate it in cross-examination. The persecution which was alleged was really punishment given for disobedience of orders or other acts of indiscipline and not in order to compel men to join the I.N.A. In one case men were sent to a concentration camp because they were suspected of having stolen and

killed a cow. In another case the guard came to arrest ringleaders of men who were guilty of indiscipline. Some men had been put to do fatigues, which were commonly awarded to all prisoners of war, and which really was the same work that the men used to do in their own villages.

Mohammed Nawab (Prosecution Witness No. XI), for instance, complained that he had been put to gathering dry cow dung and mixing it with soda ash for manuring a vegetable garden. It was ridiculous to suggest that this was an atrocity, Mr. Desai declared. Everyone who had had to undergo punishment for indiscipline came forward as a martyr and claimed glory as one who resisted attempts to dragoon him into the I.N.A. Mr. Desai, therefore, asked the Court to reject such evidence.

Mr. Desai submitted that the prosecution had entirely failed to prove the charges of murder and abetment of murder.

The charges, Mr. Desai said, fell into two categories—one dealing with the alleged shooting of four persons and the other with the alleged shooting of Mahomed Hussain. With regard to the four persons there was a crime report. There was no crime report as regards Hussain. "In fact there is no document whatever relating either to the sentences being passed or the sentence being carried out. Further, there is not even a casualty report in either cases."

Mr. Desai said that Alla Ditta, prosecution witness on the charge of abetment of murder of Mohamed Hussain said in his examination-in-chief that he saw Capt. Shah Nawaz Khan write something on a crime report. In cross-examination witness admitted that he did not know the word crime but that he knew that something about a report was said.

Sepoy Jagiri Ram had said that he had never handled a weapon before but was made to shoot Mohamed Husain with a rifle along with two others. All the three shots were said to have lodged in the chest of the deceased. "It seems that this untutored rifleman was extraordinarily accurate. It will be for the Court to judge the story. I can only ex-

press my inability to understand the particular psychology of this witness except that his statement was a very foolish invention."

The order for the shooting of these men was said to have been given by Lt. Dhillon but there was clear contemporaneous evidence that the condition in which Lt. Dhillon was on the date of the alleged shooting was such that he could not have been present. "I submit that this event did not take place because the whole of the story hinges round whether the four orders to shoot were given by Lt. Dhillon."

There were two witnesses who said that they were present at the shooting as spectators but one of them said that the other man was not present at the scene.

All that the prosecution witnesses had said about identification of the four men who had been shot was that they were Jats. "Unless there is definite evidence that the four particular individuals named in the crime report are identified as having been shot, the Court cannot possibly hold that these particular four persons were shot. You do not establish a charge of shooting "A" by saying that—Hindu was shot. A Hindu may have been shot for all I know of care, but you do not prove the charge was "A". The charge in this case was not that four men had been shot but that the four men mentioned in the crime report had been shot; and that charge had not been proved."

As regards the alleged shooting of four men, Mr. Desai submitted that though in fact the sentence was passed, it was not carried out. There was evidence on record to show that in many similar cases sentences were passed but not carried out.

"A charge of murder," said Mr. Desai "has got to be proved by proving completely what is called the 'corpus delicti' of that particular person. If there is reasonable doubt in your mind that the prosecution has failed to prove the actual execution of the sentence, my clients are entitled to the benefit of that doubt."

Mr. Desai next submitted that the terms of surrender as prisoners of war offered by Capt. Sahgal to Col. Kitson

had been accepted and therefore Sahgal was entitled to the privileges of a prisoner of war, and to be released.

Even assuming that shooting was done, it had not been suggested that it was done in any private or individual capacity. It was part of action taken by members of an organised army. If, however, the Court was of the contrary opinion, then the charges of murder and abetment were independent charges and Mr. Desai submitted under Rule 24 of the Rules of Conduct of Trials before this Court the joint trial of the three accused was completely illegal.

On the 3rd of January, 1946 it was announced that "Capt. Shah Nawaz Khan, Capt. Sahgal and Lt. Dhillon have stood trial....The findings of the Court are that all three are guilty of the charge of waging war. While Capt. Shah Nawaz Khan is also convicted of the charge of abetment of murder, Lt. Dhillon is acquitted of the charge of murder and Capt. Sahgal of the charge of abetment of murder."

The sentence of the Court on all the three accused was transportation for life, casheering and forfeiture of arrears of pay and allowances.

The Commander-in-Chief, however, remitted the sentences of transportation for life against all three accused but confirmed the sentences of casheering and forfeiture of arrears of pay and allowances.

Following the remission of their sentences all the three I.N.A. officers were released the same day.

Headquarters—Azad Hind Fauj.

Last "Special Order of the Day."

Brave Officers and men of the Azad Hind Fauj:

It is with a very heavy heart that I am leaving Burma—the scene of the many heroic battles that you have fought since February 1944 and are still fighting. In Imphal and Burma, we have lost the first round of our fight for Independence. But it is only the first round. We have many more rounds to fight. I am a born optimist and I shall not admit defeat under any circumstances. Your brave deeds in the battles, against the enemy on the plains of Imphal, the hills and jungles of Arakan and the oil field area and other localities in Burma will live in the history of our struggle for independence for all time.

Comrades: At this critical hour, I have only one word of command to give you, and that is that if you have to go down temporarily, then go down as heroes; go down upholding the highest code of honour and discipline. The future greatness of Indians who will be born, not as slaves but as free men, because of your colossal sacrifice, will bless your names and proudly proclaim to the world that you their forebears, fought and lost the battle in Manipur, Assam and Burma, but through temporary failure you paved the way to ultimate success and glory.

My unshakable faith in India's liberation remains unaltered. I am leaving in your safe hands our National Tricolour, our national honour and the best traditions of Indian warriors. I have no doubt whatsoever that you, the vanguard of India's army of liberation will sacrifice every thing, even life itself, to uphold India's National honour so that your comrades who will continue the fight elsewhere may have before them your shining example to inspire them at all times.

If I had my own way, I would have preferred to stay with you in adversity and share with you the sorrow of temporary defeat. But on the advice of my Ministers and high-ranking officers, I have to leave Burma in order to continue the struggle for emancipation. Knowing my countrymen in East Asia and inside India, I can assure you that they can continue the fight under all circumstances and that all your suffering and sacrifices will not be in vain. So far as I am concerned, I shall steadfastly adhere to the pledge that I took on the 21st October 1943, to do all in my power to serve the interests of 38 crores of my countrymen and fight for their liberation. I appeal to you, in conclusion, to cherish the same optimism as myself and to believe, like myself, that the darkest hour always, precedes the dawn. India shall be free—and before long.

May God bless you:

INQUILAB ZINDABAD

AZAD HIND ZINDABAD

"JAI HIND"

Subhas Chandra Bose  
Supreme Commander,  
AZAD HIND FAUJ

Dated: 24th April, 1945.

